

House File 2168

S-5024

1 Amend House File 2168, as passed by the House, as  
2 follows:

3 1. Page 2, after line 19 by inserting:  
4 <Sec. \_\_\_\_\_. Section 12C.23A, subsection 3,  
5 unnumbered paragraph 1, Code 2011, is amended to read  
6 as follows:

7 If a bank is closed by its primary state or federal  
8 regulator, including a bank that has accepted public  
9 funds deposits under section 12B.10, subsection 7, each  
10 public funds depositor with deposits in the bank shall  
11 notify the treasurer of state of the amount of any  
12 claim within thirty days of the closing. The treasurer  
13 of state shall implement the following procedures:

14 Sec. \_\_\_\_\_. Section 12C.23A, subsection 3, paragraph  
15 d, Code 2011, is amended to read as follows:

16 d. If the loss of public funds is not covered by  
17 federal deposit insurance and the proceeds of the  
18 closed bank's assets that are liquidated within thirty  
19 days of the closing of the bank are not sufficient to  
20 cover the loss, then any further payments to cover  
21 the loss will come from the state sinking fund for  
22 public deposits in banks. If the balance in that  
23 sinking fund is inadequate to pay the entire loss,  
24 then the treasurer shall obtain the additional amount  
25 needed by making an assessment against other banks that  
26 are organized under chapter 524, national banks with  
27 offices in this state, and branches of out-of-state  
28 banks located in this state whose public funds deposits  
29 exceed federal deposit insurance coverage. A bank's  
30 assessment shall be determined by multiplying the total  
31 amount of the remaining loss to all public depositors  
32 in the closed bank by a percentage that represents  
33 the assessed bank's proportional share of the total  
34 of uninsured public funds deposits held by all banks  
35 and all branches of out-of-state banks, based upon the  
36 average of the uninsured public funds of the assessed  
37 bank or branch of an out-of-state bank as of the end of  
38 the four calendar quarters prior to the date of closing  
39 of the closed bank and the average of the uninsured  
40 public funds in all banks and branches of out-of-state  
41 banks as of the end of the four calendar quarters prior  
42 to the date of closing of the closed bank, excluding  
43 the amount of uninsured public funds held by the closed  
44 bank at the end of the four calendar quarters. Each  
45 bank shall pay its assessment to the treasurer of  
46 state within three business days after it receives  
47 notice of assessment. For purposes of this section,  
48 when calculating uninsured public funds, a bank shall  
49 include all deposits of customers of other financial  
50 institutions as permitted by section 12B.10, subsection

1 7.>

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COMMITTEE ON COMMERCE  
MATT McCOY, CHAIRPERSON